IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

OFFICE NOTE
IN
CIVIL APPLICATION NO.6395/2007
IN
FIRST APPEAL NO.483/1992 (Decided)

Gulabrao Bajirao Mahure
...Versus...
The State of Maharashtra and others

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

[Shri R.J. Mirza, Adv. for applicant/ori. appellant]
[Shri S.Y. Deopujari, AGP for respondents]

CORAM:- A.B. CHAUDHARI, J.
DATED :- 05.05.2008

This Court had made an order on 3.4.2008, directing the payment of costs of Rs.5,000/- to be paid, because of the fault of the office of the Government Pleader in not filing the reply within time and for making wrong statement about filing of the reply. The office note nowhere had then shown that the office of

the Government Pleader had actually filed reply on 20.02.2008. The office, however, now points out that the concerned staff of the office of the Government Pleader had put M.C.A. 522/06 as the number on the said reply, filed by the office of the Government Pleader. This number never existed, because the civil application itself was filed in 2008. Hence, filing of the reply went in wrong direction and the said reply was not consequently processed with the present case. According to office note, the fact remains that reply was filed on 20.2.2008, but because of the wrong number put up by the office staff of the Government Pleader, the same was lying somewhere else. In that view of the matter, in my opinion, the order awarding costs of Rs.5,000/- is liable to be revoked, since there is no fault of the office of the Government Pleader or its law officers. The fault, however, lies with the person/staff from the office of the Government Pleader, who on his own, put M.C.A. No.522/06 in a most casual manner, which resulted into above order, besides inconvenience to the staff of the High Court. The employee for this type of carelessness cannot be pardoned. Hence, the following order.

Order dated 3.4.2008 is recalled in entirety. However, the Government Pleader shall find out the concerned person/staff from his office, who had put M.C.A. 522/06 as the number, on his own, putting everybody to inconvenience. That employee shall be liable to pay the costs of Rs.500/- (Rupees Five Hundred Only), to be deposited with the High Court Legal Services Sub-Committee, Nagpur. This shall be done within a period of four weeks from today and the compliance report be submitted to this Court on or before 12.06.2008.

Steno copy of this order be supplied to the parties, as per rules.

JUDGE

ssw